

HELBRAUN | LEVEY

April 4, 2023

Via ECF and Email

The Hon. John P. Cronan
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007
CronanNYSDChambers@nysd.uscourts.gov

**Re: *Perez v. Due Milla Realty Group LLC et al.*, Case No.: 1:19-cv-05794
Defendants' Status Letter Update**

Honorable Judge Cronan:

As you are aware, we represent Defendants Due Milla Realty Group LLC and CMH BBQ Holdings, LLC (collectively, "Defendants") in the above-referenced action. We are submitting this status letter pursuant to Your Honor's Order on March 2, 2023 [Dkt. No. 76], to update the Court on the progress of Defendants' ongoing remediation efforts. I apologize for the delay in providing this update, which was due to the Court yesterday, April 3, 2023. Recent developments have given rise to a conflict of interest regarding our representation of both Defendants which needed to be investigated by counsel.

Since Defendants' last update on March 1, 2023, the architect has confirmed that the work would need to be re-bid due to changes that occurred during the approval process, but that remediation work would otherwise be able to proceed once a contractor is hired.

I have also been advised that the tenant defendant in this action, CMH BBQ Holdings, LLC will be closing operations at the subject premises on April 9, 2023. *Social Media Post Announcing Closure annexed hereto*. This change creates a conflict in the interests of the Defendants in this matter such that I cannot ethically advise both simultaneously. Accordingly, my firm cannot continue as counsel in this matter for either client.

Respectfully, according to Your Honor's Individual Rules, I request to submit a motion to be relieved as counsel in this matter and request a stay pending appearance of new counsel. Due to the upcoming religious holidays, I propose to submit my motion by April 14, 2023, with opposition, if any, to be filed by April 21, 2023.

We are available at the Court's convenience should the Court need any additional information.

Respectfully submitted,

HELBRAUN & LEVEY, LLP

By: Lee Jacobs /s/

Lee Jacobs

12:47

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Comments

**Mighty Quinn's Barbeque**

Posted by Micha Magid

1d · 🌐

A message from our founders:

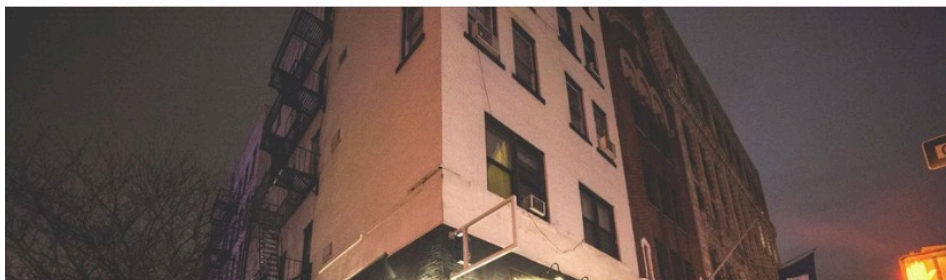
It's hard to believe that 10 years have passed since we opened the first Mighty Quinn's in the East Village. We rolled a 6,000 pound smoker through our new dining room and parked it next to our cutting board, where it remains today. We all knew the adventure was going to be a wild ride and we feel blessed to have been able to serve so many from this restaurant. It is with a heavy heart that we have decided not to renew our lease at this location.

While we wish to have been able to just keep our first restaurant in the system forever, many realities have made that path impractical.

We hope that all our local guests will make the short trip over to our West Village location at 75 Greenwich Ave after we close the East Village restaurant on April 9th. We still offer delivery to every address in the East Village (and the surrounding areas) from our other locations.

We're excited about the future, with seven new restaurants in the pipeline, but will forever cherish our original home.

Thank you to our team, our guests and the entire East Village neighborhood.



Write a comment...



The parties shall appear for a status conference on April 18, 2023 at 2:00 p.m. in Courtroom 12D of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007 to discuss the status of remediation and defense counsel's anticipated motion to withdraw.

SO ORDERED.

April 4, 2023
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

JOHN P. CRONAN
United States District Judge